

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
(NORTHERN DIVISION)**

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In the Matter of The Petition of

GRACE OCEAN PRIVATE LIMITED, as Owner Docket No: 1:24-cv-00941
of the M/V DALI,

IN ADMIRALTY

And

SYNERGY MARINE PTE LTD, as Manager of the
M/V DALI,

For Exoneration from or Limitation of Liability.
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**CLAIMANTS' UNOPPOSED INTERIM MOTION TO SEAL MEMORANDA AND
SUPPORTING EXHIBITS IN SUPPORT OF THEIR MOTION TO STRIKE THE
CONFIDENTIALITY DESIGNATIONS TO THE M/V DALI VESSEL EMPLOYEES'
DEPOSITION TRANSCRIPTS**

Claimants respectfully submit this Interim Motion to Seal pursuant to Local Rule 105.11 and Paragraph 9 of the operative protective order in this matter. (ECF No. 474). Claimants have met and conferred with Petitioners and the designating parties who do not oppose sealing the identified filings.

I. MATERIAL TO BE SEALED

Counsel for eight of the crew members of the *Dali* who have been deposed in this matter have made confidentiality designations to the transcripts and exhibits of those proceedings under the Court's protective order. Claimants have filed a sealed Motion to Strike the Confidentiality Designations to the *M/V Dali* Vessel Employees' Deposition Transcripts (ECF No. 513) and, in support of that motion, have attached the following:

1. The February 17, 2025, deposition of Captain Chandrashekar Sabhapathy, identified as **Exhibit 1** to the motion to strike. (ECF No. 513-1).

2. The March 10, 2025, confidentiality designations made by Mr. Sabhpathy's counsel, identified as **Exhibit 2** to the motion to strike. (ECF No. 513-2)

3. The February 18, 2025, deposition transcript of Chief Engineer Karthikeyan Deenadayalan, identified as **Exhibit 3** to the motion to strike. (ECF No. 513-3)

4. The March 10, 2025, confidentiality designations made by Mr. Deenadayalan's counsel, identified as **Exhibit 4** to the motion to strike. (ECF No. 513-4)

5. The February 26, 2025, deposition transcript of Electrician Chaminda Kariyawasam, identified as **Exhibit 5** to the motion to strike. (ECF No. 513-5)

6. The March 17, 2025, confidentiality designations made by counsel for Mr. Kariyawasm, identified as **Exhibit 6** to the motion to strike. (ECF No. 513-6)

7. The March 10, 2025, deposition transcript of Bosun Charles Vaz, identified as **Exhibit 7** to the motion to strike. (ECF No. 513-7)

8. The April 2, 2025, confidentiality designations made by counsel for Mr. Vaz as well as First Officer Jyakumar, Second Officer Bisht, Pitchaiah and Oiler Subramanian, identified as **Exhibit 8** to the motion to strike. (ECF No. 513-8)

9. The March 11, 2025, deposition transcript of Second Officer Rohit Singh Bisht, identified as **Exhibit 9** to the motion to strike. (ECF No. 513-9)

10. The March 12, 2025, deposition transcript of First Officer Stephen Fernando Kwinteen Jayakum, identified as **Exhibit 10** to the motion to strike. (ECF No. 513-10)

11. The March 17, 2025, deposition transcript of Oiler Ganeshkumar Subramanian, identified as **Exhibit 11** to the motion to strike. (ECF No. 513-11)

12. The March 17, 2025, deposition transcript of Fourth Engineer Nishanth Pitchaiah, identified as **Exhibit 12** to the motion to strike. (ECF No. 513-12)

13. The certification of Robert Phelan authenticating the above exhibits. (ECF No. 513-13).

During the pendency of this dispute, Claimants seek permission to provisionally seal: (1) the above-listed exhibits and; (2) an unredacted copy of their motion and memorandum in support of their pending Motion to Strike the Confidentiality Designations to the M/V Dali Vessel Employees' Deposition Transcripts, ECF Doc. No. 513. Redacted copies of these documents have been filed on the public docket. (ECF Doc. No. 514 and attachments).

Absent the present dispute, Claimants do not believe sealing these materials will comport with this Court's stringent sealing standards and previous admonitions to the parties to avoid blanket sealing of documents. But until the Court rules on the designations at issue, the material must be sealed from public filing under the protective order. *See* ECF No. 474, ¶ 9.

II. THE PROVISIONAL MOTION SHOULD BE GRANTED

Paragraph nine of the Court's protective order requires designated "Confidential Information" be filed under seal (without prejudice to the filing party's right to contest the sealing). *Id.* The filing party also must contemporaneously file redacted copies of the materials on the public docket. *Id.* ¶ 9(b). The parties must meet and confer on the proposed redactions, which should be "narrowly tailored." *Id.* ¶ 9(c).

Under Local Rule 105.11, a party seeking to file under seal must provide: "(a) proposed reasons supported by specific factual representations to justify the sealing and (b) an explanation why alternatives to sealing would not provide sufficient protection." The Court must then wait at least fourteen days before ruling on the motion so that "interested parties" may file objections. *Id.*

In accordance with the protective order, Claimants have conferred with counsel for Petitioners and the witnesses. They decline to narrow their designations because, among other

reasons which they contend Claimants cannot publicly state, they argue that their clients are potential witnesses in a pending criminal investigation and, therefore, their entire testimony is “Confidential Information” under the existing protective order. Consequently, sealing of the proposed documents is necessary under Local Rule 105.11 to maintain the *status quo* while the Court considers the disputed confidentiality designations. Unfortunately, there is no alternative to sealing because the Court has not yet ruled on the designations. Claimants do not oppose lifting or modifying the requested sealing order in the event their motion to strike is granted.

III. CONCLUSION

Claimants respectfully request that the Court grant this Provisional Motion to Seal. A proposed order submitted in accordance with Local Rule 105.11 is attached.

Respectfully submitted,

COZEN O’CONNOR



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